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S E C R E T SECTION 01 OF 03 NEW DELHI 000063

SIPDIS

E.O. 12958: DECL: 01/13/2020

TAGS: [PGOV](#) [PREL](#) [PTER](#) [PARM](#) [KNNP](#) [ENRG](#) [KTIP](#) [PK](#) [IN](#)
SUBJECT: FS RAO ON COUNTERTERRORISM COOPERATION, PAKISTAN,
CIVIL NUCLEAR COOPERATION, TIP

REF: STATE 1619

Classified By: Ambassador Timothy Roemer for Reasons 1.4 (B) and (D).

¶1. (SBU) This is an action request. See paragraph 5.

¶2. (S) SUMMARY. Foreign Secretary Rao, at the request of Home Minister Chidambaram, summoned Ambassador Roemer January 13 to seek permission for National Investigative Agency (NIA) officials to travel to the United States to interview two known associates of David Headley. Chidambaram appears to have deliberately moved this issue from intelligence and law enforcement channels to political channels.

¶3. (C) SUMMARY CONTINUED. FS Rao and Ambassador Roemer also discussed India's relations with Pakistan, civil nuclear cooperation, trafficking in persons (TIP), and defense foundational agreements. Rao said External Affairs Minister Krishna had phoned Pakistani Foreign Minister Qureshi January 13 to convey new year's greetings; both sides adhered to familiar positions on dialogue and action against terrorism. Ambassador Roemer used the meeting as an opportunity to press Rao for action on the few remaining impediments to civil nuclear cooperation, including a new concern that the liability legislation may not fully conform with international standards (reftel). Noting Rao's commitment to cooperate on trafficking in persons that she expressed during Secretary Clinton's meeting with Prime Minister Singh in November, Ambassador Roemer asked Rao to welcome the visit to India of Ambassador CDeBaca in February. In the context of a discussion of upcoming visits to India, including that of Secretary of Defense Gates, Rao dismissed public "apprehensions" about moving forward on defense foundational agreements, suggesting that the government wanted to move forward on the agreements. END SUMMARY.

Headley Case

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¶4. (S) At the Home Minister Chidambaram's request, Foreign Secretary Rao summoned Ambassador Roemer January 13 to

request permission for officials from the National Investigative Agency (NIA) to travel to the United States to interview Headley's legal wife Shazia Gilani, who lives in Chicago, and his Moroccan girlfriend Fazia Outalha, whose whereabouts were not clear. NIA wants to probe both womens' roles as abettors and co-conspirators in the Mumbai attacks. Rao alleged that Gilani apparently had knowledge of Headley's terrorist activities and sent him a coded message on November 26, 2008 (the date of the Mumbai attacks), congratulating him on "graduation day," adding that she was watching it unfold on television. Rao had little to share about Outalha, but noted that the NIA has her email address.

¶15. (S) COMMENT AND ACTION REQUEST: Chidambaram appears to have directed Rao to request the meeting in order to move this issue from intelligence and law enforcement channels to political channels, which speaks both to the importance Chidambaram places on the on-going Headley investigation as well as his stature within the government. Post requests urgent cleared guidance on how to respond.

Pakistan

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¶16. (C) Rao noted that External Affairs Minister (EAM) Krishna called FM Qureshi on January 13 to convey new year's greetings and to ask for a progress report on the trial of the accused Mumbai conspirators. Qureshi said the government of Pakistan was doing its best to move forward and asked for resumption of the Composite Dialogue. Rao said the Indian

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government wanted dialogue but that dialogue would be meaningless without progress against terrorism. Ambassador Roemer encouraged dialogue and asked when the next Indo-Pak interaction would take place. Rao reported that the Pakistani election commissioner would come to Delhi in late January. She noted that India and Pakistan had each released fishermen who had been detained near the border, adding that more would soon be freed. She also noted that the Indian government had recently invited the speaker of the Pakistani Parliament to attend a commonwealth meeting. Rao noted acerbically that the Speaker "found time to meet with Kashmiri separatists and to speak of jihad and a 1000 year war for Kashmir," which she described as typical Pakistani behavior. She concluded that while Pakistan says it wants peace and to normalize relations, it continues to push its agenda on -- not to seek resolution of -- the Kashmir issue. Rao pointedly reaffirmed that India wanted to handle its problems with Pakistan bilaterally. She described recent track II efforts as helpful, but not officially linked to the Indian government.

Civil Nuclear Cooperation

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¶17. (C) Ambassador Roemer seized the opportunity to press Rao on outstanding civil nuclear cooperation issues. On reprocessing and Part 810 assurances, he stressed the urgent need for responses to our proposals. Rao said the Part 810 response was forthcoming, but that she had no knowledge of the reprocessing state of play and suggested both sides needed to be flexible.

¶18. (C) On liability legislation, Ambassador Roemer stressed deep disappointment that the government had failed to meet its pledge to adopt legislation in 2009. Rao claimed it was due to bureaucratic hang-ups and unspecified "questions from certain quarters," and that the draft text needed to clear the Ministries of Law and Finance, as well as the Presidency, before being tabled in the next session of Parliament. She pledged to call these ministries to encourage them to expedite its clearance. Ambassador Roemer also cited concerns that draft legislation may not meet the standards of the Convention on Supplementary Compensation for Nuclear Damage (CSC) and thereby fail to meet India's commitment in

the 2008 Letter of Intent (reftel), to which Rao offered no substantive response.

Trafficking in Persons (TIP)

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¶ 9. (C) Ambassador Roemer raised the proposed visit to India of Ambassador CDeBaca in February and stressed the importance of engaging on this issue; he also noted Rao's commitment to cooperate with us on the issue that she expressed during Secretary Clinton's meeting with Prime Minister Singgh in November. Rao said that while the Indian government was as opposed to trafficking as was the United States, it remained sensitive to anything perceived as too intrusive. She said MEA would be in touch with us further, but offered no firm answer with regard to the visit.

Strategic Dialogue Ministerial, FS Visit to U.S.

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¶ 10. (SBU) With regard to a possible ministerial-level meeting of the Strategic Dialogue in Washington, Rao shared that External Affairs Minister Krishna would not be available to travel to Washington until after the Parliament budgetary session ended on May 12. Joint Secretary Gaitri Kumar later clarified that Krishna was already set to travel to Central Asia April 9-12 and to Europe April 20-24, so it would be

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difficult for him to travel to the United States prior to mid-May. Rao noted she would like to visit Washington in the Spring prior to EAM Krishna's visit, and may stop in New York for speaking engagements at the Council on Foreign Relations or the Asia Society.

Defense Framework Agreements

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¶ 11. (C) In response to Ambassador Roemer's suggestion that Secretary of Defense Gates would likely raise the possibility of making progress on the defense foundational agreements, Rao noted that agreements like the Logistics Support Agreement (LSA) should not be controversial since Indian Naval vessels engaged in anti-piracy patrols already rely on the U.S. for refueling. Rao observed that the public debate needs to be better informed. Rao dismissed an interjection from Joint Secretary for the Americas Gaitri Kumar about political "apprehensions," saying that such concerns are a hold-over from the "prior" era in which the Communist party constrained foreign policy. She said the Indian government shared the U.S. perspective and that the only issue now was how to educate naysayers. Ambassador Roemer suggested that we package the various agreements so the Indian government did not need to repeatedly make the case to Parliament.

ROEMER